

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
vs.) No. 99-04041-01-CR-C-SOW
)
MARCUS DEANGELO JONES,)
)
) Defendant.)

ORDER

_____ Before the Court are Marcus Jones’s (“Jones”) Motion to Correct Clerical Mistakes Pursuant to Federal Rule of Criminal Procedure 36 (Doc. # 97), Motion to Withdraw Doc. # 97 (Doc. # 101), and Motion to Withdraw Doc. # 101 (Doc. # 103). At the outset, Doc. # 101 has been rendered moot by Doc. # 103. Accordingly, Jones’s Motion to Correct Clerical Mistakes Pursuant to Federal Rule of Criminal Procedure 36 remains pending before the Court.

Jones moves the Court to correct alleged “clerical” errors in the Presentence Investigation Report and Judgment and Commitment in his case. For example, Jones contends that the record does not show a dangerous weapon was possessed during the commission of the offense. Therefore, “[t]he addition of the (2) two level increase is clerical.” Jones Brief ¶ 3.

Rule 36 reads:

Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.

Fed. R. Crim. P. 36. Rule 36 grants this Court the authority to correct “clerical-type,” “minor,” or “uncontroversial” errors. United States v. Werber, 51 F.3d 342, 347 (2nd Cir. 1995); United States

v. Blackwell, 81 F.3d 945, 949 (10th Cir. 1996).

Here, the alleged errors Jones complains of are not “clerical” or “uncontroversial.” Rather, Jones complains of alleged errors of judgment or legal reasoning that are clearly not within the scope of Rule 36. It is obvious that Jones’s goal is not to correct a “clerical” error, but instead to modify his sentence. Rule 36, however, “does not authorize substantive sentencing modification.” Id.

Accordingly, it is hereby

ORDERED that Marcus Jones’s Motion to Correct Clerical Mistakes Pursuant to Federal Rule of Criminal Procedure 36 (Doc. # 97) is denied. It is further

ORDERED that Jones’s Motion to Withdraw Doc. # 97 (Doc. # 101) is dismissed as moot. It is further

ORDERED that Jones’s Motion to Withdraw Doc. # 101 (Doc. # 103) is granted.

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: 5-17-05